

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

AUSTIN P. BOND, *et al.*,

Plaintiffs,

v.

OTTAWA COUNTY SHERIFF, *et al.*,

Defendants.

Case No.: 17-CV-00325-CRK-CDL

**PARTIES' UPDATED WITNESS LISTS**

COME NOW, the Parties, and, pursuant to the Court's July 18, 2023 Order (Dkt. #336), jointly submit their Updated Witness Lists, as follows:

**A. Plaintiffs' Updated Primary Trial Witness List (in Order of Planned Presentation)<sup>1</sup>**

<b>No.</b>	<b>Name</b>	<b>Subject of Information</b>	<b>Est. Time of Exam.</b>
1.	Derek Derwin 2231 Birch Lane Miami, OK	Facts and circumstances relevant to allegations contained in the Complaint. His investigation into the treatment and care provided to Mr. Ellis in the Ottawa County Jail.	3-4 hours
2.	Michael Harrington (inmate at Oklahoma State Penitentiary)	<b>By Deposition.</b> Was being held in the Ottawa County Jail at the same time as Mr. Ellis. Facts and circumstances relevant to allegations contained in the Complaint.	Awaiting final video edit.
3.	Kent Williams c/o PAUL & LACKEY PC	Facts and circumstances relevant to allegations contained in the Complaint. Treatment and care provided	2 hours

<sup>1</sup> Cartis Lawson was previously listed as one of Plaintiff's primary witnesses. However, Plaintiffs have recently learned that Mr. Lawson is now deceased. Thus, Mr. Lawson is no longer listed as a primary witness.



		to Mr. Ellis in the Ottawa County Jail.	
4.	Jennifer Grimes c/o PAUL & LACKEY PC	Facts and circumstances relevant to allegations contained in the Complaint. Treatment and care provided to Mr. Ellis in the Ottawa County Jail.	2 hours
5.	Charles Shoemaker 1811 S. 606th Road Quapaw, OK 74363	Facts and circumstances relevant to allegations contained in the Complaint. Treatment and care provided to Mr. Ellis in the Ottawa County Jail. Policies, procedures, and practices in place at the Ottawa County Jail.	3-4 hours
6.	Johnny Bray Nevada, Missouri (over 100 miles from the Courthouse)	<b>By Deposition.</b> Facts and circumstances relevant to allegations contained in the Complaint. Treatment and care provided to Mr. Ellis in the Ottawa County Jail. Policies, procedures, and practices in place at the Ottawa County Jail.	Awaiting final video edit.
7.	Theresa Horn 401 Midway Drive Commerce, OK 74339	Facts and circumstances relevant to allegations contained in the Complaint. Treatment and care provided to Mr. Ellis in the Ottawa County Jail. Policies, procedures, and practices in place at the Ottawa County Jail concerning the medical care of inmates and/or detainees.	3-4 hours
8.	Todd R. Wilcox, MD 4760 South Highland Drive, #105 Salt Lake City, Utah 84117	<b>Retained Expert.</b> See Report.	4 hours



9.	Jeffrey Harding 60725 E 210 <sup>th</sup> Road Miami, OK 74343	Facts and circumstances relevant to allegations contained in the Complaint. Treatment and care provided to Mr. Ellis in the Ottawa County Jail. Policies, procedures, and practices in place at the Ottawa County Jail.	4 hours
10.	Terry Durborow 919 Reidy Road Miami, OK 74354	Former Ottawa County Sheriff, in his official capacity,. Facts and circumstances relevant to allegations contained in the Complaint. Policies, procedures, and practices in place at the Ottawa County Jail.	4 hours
11.	Shelly Bliss c/o SMOLEN & ROYTMAN	Facts and circumstances relevant to allegations contained in the Complaint, damages, administration of the Estate and identification of documents.	1 hour
12.	Terral Brooks Ellis, Sr. c/o SMOLEN & ROYTMAN	Facts and circumstances relevant to allegations contained in the Complaint, damages, administration of the Estate and identification of documents.	2 hours

The above list contains counsel for Plaintiffs' current planned order of witnesses to be called at trial. Plaintiffs' counsel has no present intention of changing the order. Nevertheless, Plaintiffs reserve the right to call their primary witnesses in a different order based on unexpected circumstances (including witness availability), unforeseen testimony (or other evidence), time constraints or evolving trial strategy.

Plaintiffs further reserve the right to call any of the witnesses listed as "secondary" in the proposed Pretrial Order provided to the Court (Dkt. #322 at 55-58), if the need to call any such witness arises.

**B. Defendant Sheriff of Ottawa County in his official capacity,  
primary witnesses:**



<b>No.</b>	<b>Name</b>	<b>Subject of Information</b>	<b>Estimated Time</b>
1.	Charles Shoemaker c/o Randall Wood Pierce Couch Hendrickson Baysinger & Green, L.L.P. 1109 N. Francis Oklahoma City, OK 73106	Deposed. It is anticipated that this witness will testify to refute the allegations in this case; will testify regarding his knowledge of the incident at issue in this case; will testify regarding his training and experience in law enforcement and his knowledge of the Sheriff's office policies and procedures	1 to 2 hours
2.	Johnny Bray c/o Randall Wood Pierce Couch Hendrickson Baysinger & Green, L.L.P. 1109 N. Francis Oklahoma City, OK 73106	Deposed. It is anticipated that this witness will testify to refute the allegations in this case; will testify regarding his knowledge of the incident at issue in this case; will testify regarding his training and experience in law enforcement and his knowledge of the Sheriff's office policies and procedures. May be called by deposition	By video deposition; awaiting final edit
3.	Jennifer Grimes c/o John R. Paul PAUL & LACKEY, P.C. 9 East Fourth Street, Suite 400 Tulsa, OK 74103	Has been deposed; is a named Defendant; will testify to refute the allegations in this case; will testify regarding her knowledge of the incident at issue in this case; will testify regarding her training and experience, will testify regarding her knowledge of and interactions with the Decedent, and to statements made by the Decedent	1 hour
4.	Kent Williams c/o John R. Paul PAUL & LACKEY, P.C. 9 East Fourth Street, Suite 400 Tulsa, OK 74103	Has been deposed; is a named Defendant; will testify to refute the allegations in this case; will testify regarding his knowledge of the incident at issue in this case; will testify regarding his training and experience in the medical field; will testify regarding his knowledge of and interactions with the Decedent, and to statements made by the Decedent	1 hour
5.	Theresa Horn c/o Seth Coldiron	Deposed. It is anticipated that this witness will testify to refute the allegations in this case; will testify	2 to 3 hours



	GOOLSBY, PROCTOR, HEEFNER & GIBBS, P.C. 701 N. Broadway Avenue, Suite 400 Oklahoma City, OK 73102-6006 Phone: (405)524-2700	regarding her knowledge of the incident at issue in this case; will testify regarding her training and experience as a nurse and her knowledge of the Sheriff's office policies and procedures; will testify regarding her knowledge of and interactions with the Decedent, and to statements made by the Decedent	
6.	Jeff Harding c/o Wellon B. Poe COLLINS, ZORN & WAGNER, P.L.L.C. 429 N.E. 50th Street, 2nd Floor Oklahoma City, OK 73105-1815 Phone: (405) 524-2070	Deposed. It is anticipated that this witness will testify to refute the allegations in this case; will testify regarding his knowledge of the incident at issue in this case; will testify regarding his training and experience in law enforcement and his knowledge of the Sheriff's office/jail's policies and procedures; will testify regarding his knowledge of and interactions with the Decedent, and to statements made by the Decedent; will testify to training of jail staff; will testify to jail records; will testify to medical care provided to inmates	2 to 3 hours
7.	Terry Durborow c/o Wellon B. Poe COLLINS, ZORN & WAGNER, P.L.L.C. 429 N.E. 50th Street, 2nd Floor Oklahoma City, OK 73105-1815 Phone: (405) 524-2070	Deposed. It is anticipated that this witness will testify to refute the allegations in this case; will testify regarding his knowledge of the incident at issue in this case; will testify regarding his training and experience in law enforcement and operation of the Ottawa County jail; will testify to his knowledge of the jail's policies and procedures as well as the implementation and enforcement, will testify to his lack of any knowledge of any issue with the manner of and actual providing of medical care to inmates	2 hours
8.	Michael Wilson, M.D., Ph.D. 1140 Westcliffe Drive Little Rock, AR 72210	Is a FRCP 26 retained expert; will testify regarding his training, education, and experience as a medical doctor and researcher; will testify regarding the opinions he has formed regarding this case, as reflected	1 hour



		in his expert witness report which has been provided to all counsel	
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**C. The Integris EMS Defendants' Updated Witness List**

1. Andrew Lawson, MD (August 17 by agreement) – 2 hours
2. Jennifer Grimes – 1 hour
3. Kent Williams – 1 hour
4. Shannon Biggs (MFD) – 1 hour
5. Tracy Horton (MFD) – 1 hour
6. Theresa Horn – 1 hour
7. Charles Shoemaker – 30 minutes
8. Johnny Bray – 30 minutes
9. Derek Derwin – 30 minutes
10. Terry Durborow – 30 minutes
11. Jeremy Floyd – 30 minutes
12. Jeffrey Harding – 30 minutes
13. Megan Caple – 1 hour
14. Jonathan Eisenstat, MD – 2 hours
15. Michael Colman\* - 2 hours
16. Gary Ludwig\* - 2 hours
17. Charles O'Neal\* - 2 hours
18. Elaine Mader, MD – 1 hour
19. Ross Miller, MD – 1 hour

20. Shelly Bliss – 1 hour
21. Melinda Allen, DO – 30 minutes
22. Michael Bolton – 30 minutes
23. Chris Cable – 1 hour
24. Travis Eads – 1 hour
25. Garret Ellis – 1 hour
26. Benny Johnston – 30 minutes
27. Curtis Lawson – 30 minutes
28. Brenda Pierce – 30 minutes
29. Harrell Post – 30 minutes

**D. Defendant Ottawa County Sheriff, in his official capacity, in his official capacity, secondary witnesses:**

No.	Name	Subject of Information	Estimated Time
1.	Shannon Biggs Miami Fire Department	Miami Fire Department first responder regarding the	1 hour



	103 Goodrich Blvd. Miami, OK 74354 (918) 542-6685	care/treatment of Terral Ellis II on October 21, 2015	
2.	Tracy Horton Miami Fire Department 103 Goodrich Blvd. Miami, OK 74354 (918) 542-6685	Miami Fire Department first responder regarding the care/treatment of Terral Ellis II on October 21, 2015; may testify as to his actions and/or observations at the Ottawa County Jail; may testify to contents of reports and call run logs	1 hour
3.	Aleta Fox Miami, OK	Identified by Plaintiffs. May testify to medical services provided by the Ottawa County Jail, interactions with Theresa Horn and other Ottawa County Jail staff. May testify to her training and experience; may testify to her duties at the Ottawa County Jail	1 hour
4.	Curtis Lawson Miami, Oklahoma	It is anticipated that this witness will testify to address the allegations in this case; will testify regarding his knowledge of the incident at issue in this case; will testify regarding his training and experience as a detention officer in the jail; will testify to his interactions with inmates including Terral Ellis, will testify to and his knowledge of the Sheriff's office policies and procedures	1 to 2 hours
5.	Derek Derwin c/o Wellon B. Poe COLLINS, ZORN & WAGNER, P.L.L.C. 429 N.E. 50th Street, 2nd Floor Oklahoma City, OK 73105-1815 Phone: (405) 524-2070	Deposed. It is anticipated that this witness will testify to his employment and positons with the Ottawa County Sheriff's Office. will testify to refute the allegations in this case; will testify regarding his knowledge of the incident at issue in this case; will testify regarding his training and experience in law enforcement and his knowledge of the Sheriff's office policies and procedures; will testify to his investigation into the allegations related to Terral Ellis	1 hour
6.	Michael Bolton Miami Fire Department	Miami Fire Department first responder regarding the	½ hour to 1 hour



	103 Goodrich Blvd. Miami, OK 74354 (918) 542-6685	care/treatment of Terral Ellis II on October 21, 2015; may testify as to his actions and/or observations at the Ottawa County Jail; may testify to contents of reports and call run logs	
7.	Harrell Post, EMT Quapaw Tribe of Oklahoma P.O. Box 200 Quapaw, OK 74363 (918) 675-4200	EMT who responded via ambulance October 22, 2015, medical care and treatment provided to Terral Ellis II; may testify as to his actions and/or observations at the Ottawa County Jail; may testify to contents of reports and call run logs	½ hour to 1 hour
8.	Benny Johnston Miami Fire Department 103 Goodrich Blvd. Miami, OK 74354 (918) 542-6685	Miami Fire Department first responder regarding the care/treatment of Terral Ellis II on October 21, 2015; may testify as to his actions and/or observations at the Ottawa County Jail; may testify to contents of reports and call run logs	½ hour to 1 hour
9.	Chris Cable, EMT Quapaw Tribe of Oklahoma P.O. Box 200 Quapaw, OK 74363 (918) 675-4200	EMT responded via ambulance October 22, 2015, regarding the care and treatment provided to Terral Ellis II; may testify as to his actions and/or observations at the Ottawa County Jail; may testify to contents of reports and call run logs	½ hour to 1 hour
10.	Elaine Mader, M.D. Integrus Miami Hospital 200 2 <sup>nd</sup> S.W. Miami, OK 74354 (918) 542-6611	Emergency department physician at Integrus Miami Hospital regarding the medical care/treatment to Terral Ellis II; may testify as to her actions and/or observations at the Ottawa County Jail; may testify to contents of reports and call run logs	½ hour to 1 hour
11.	Melinda Allen, D.O. c/o Stillwater Medical Center 710 S. 13 <sup>th</sup> Street Blackwell, OK 74631	Emergency department physician at Integrus Grove Hospital regarding the medical care/treatment for Terral Ellis II	1 hour

Respectfully submitted,

<u>/s/Robert M. Blakemore</u> Daniel E. Smolen, OBA #19943 Robert M. Blakemore, OBA #18656	<u>s/ Wellon B. Poe</u> Wellon B. Poe, OBA No. 12440 Justin P. Ashlock, OBA No. 33459
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<p>Bryon D. Helm, OBA #33003 Smolen &amp; Roytman 701 South Cincinnati Avenue Tulsa, OK 74119 Phone: (918) 585-2667 Fax: (918) 585-2669</p> <p><b><i>Attorneys for Plaintiffs</i></b></p>	<p>COLLINS, ZORN, &amp; WAGNER, PLLC 429 N.E. 50th Street, Second Floor Oklahoma City, OK 73105-1815 Telephone: (405) 524-2070 Facsimile: (405) 524-2078</p> <p><b>ATTORNEYS FOR DEFENDANT SHERIFF OF OTTAWA COUNTY, IN HIS OFFICIAL CAPACITY</b></p>
<p><u>/s/John R. Paul</u> John R. Paul, OBA #6971 John David Lackey, OBA #20516 PAUL &amp; LACKEY, P.C. 20 East Fifth Street, Suite 1000 Tulsa, OK 74103-5118 Tele: (918) 584-2583</p> <p><b><i>ATTORNEYS FOR INTEGRIS EMS DEFENDANTS</i></b></p>	